

## Board of Adjustment

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### *Minutes*

City Council Chambers, Lower Level  
November 5, 2014

**Board Members Present:**

Trent Montague – Chair  
Wade Swanson  
Tyler Stradling  
Tony Siebers  
Ken Rembold

**Board Members Absent:**

Mark Freeman (excused)  
Greg Hitchens (excused)

**Staff Present:**

Gordon Sheffield  
Angelica Guevara  
Tom Ellsworth  
Margaret Robertson  
Charlotte McDermott  
Kaelee Wilson  
Mike Gildenstern

**Others Present:**

Robin Bennin  
Josh Utterback  
Tracy Gessner  
Jeffrey Maas  
Richard Dyer

The study session began at 4:43 p.m. The Public Hearing meeting began at 5:30 p.m. Before adjournment at 5:35 p.m., the following items were considered and recorded.

**Study Session began at 4:43 p.m.**

- A. Zoning Administrator's Report
- B. The items scheduled for the Board's Public Hearing were discussed.

**Study Session adjourned at 5:02 p.m.**

**Public Hearing began at 5:30 p.m.**

- A. Consider Minutes from the October 1, 2014 Meeting a motion was made by Boardmember Stradling and seconded by Boardmember Siebers to approve the minutes. Vote: Passed 5-0 (Excused- Boardmembers Freeman and Hitchens)
- B. Consent Agenda a motion to approve the consent agenda as read was made by Boardmember Swanson and seconded by Boardmember Siebers. Vote: Passed 5-0 (Excused-Boardmembers Freeman and Hitchens)

## Board of Adjustment Meeting November 5, 2014

**Case No.:** BA14-053

**Location:** 2110 & 2120 West Southern Avenue

**Subject:** Requesting a modification to a Substantial Conformance Improvement Permit to allow the redevelopment of an existing group commercial center in the LC zoning district. (PLN2014-00470)

**Decision:** Approved with Conditions

**Summary:** This item was on the consent agenda and was not discussed on an individual basis.

**Motion:** It was moved by Boardmember Swanson seconded by Boardmember Siebers to approve case BA14-053 with the following conditions:

1. *Compliance with the project narrative, revised site plan, landscape plan and elevations submitted dated October 13, 2014 except as modified by the following conditions.*
2. *Compliance with all requirements of Substantial Conformance Improvement Permit ZA11-007 except as modified by the following conditions.*
3. *Compliance with all requirements of Design Review case DR14-031.*
4. *Compliance with all requirements of Lot Split LS14-009.*
5. *Compliance with all City development codes and regulations.*
6. *Provide a 6-inch vertical concrete curb at the east property line between the edge of the pavement and the landscape area.*
7. *Compliance with the Fiesta District Design Handbook for Private Realm Design Guidelines (site design, architectural design, landscape palette, site furniture, fixtures, and connectivity).*
8. *Revise Landscape Plan to match with Site Plan submitted dated October 13, 2014.*
9. *Remove the three non-conforming pole signs. Replacement of the detached sign(s) shall conform with Sign Ordinance requirements.*
10. *Signage (detached and attached) need separate approval and permit for locations, size, and quantity.*
11. *Compliance with all requirements of Development Services in the issuance of building permits.*

### FINDINGS:

1. The proposed redevelopment of the site invokes conformance with current development standards.
2. At the time of initial development the setbacks, foundation base, and landscape requirements of the Zoning Code varied or were non-existent when compared to the development standards of the current Code.
3. The proposed project provides 63 parking spaces on-site where 79 are required. The reduced parking should not affect the center as employees from Medical Center to the south and students from the Community College to the east most probably walk to the site supported by Southern Avenue improvements.
4. Requiring full compliance with the current code would not allow the redevelopment of the site to occur.
5. The deviations requested are consistent with the degree of change requested and improve the site significantly making it an asset to the Fiesta District.
6. The proposed improvements with the recommended conditions of approval help bring the site into a closer degree of conformance with current standards.

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7. The proposed use will not be detrimental to surrounding properties.

**Vote:** Passed (5-0) (Excused-Boardmembers Freeman and Hitchens)

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**Case No.:** BA14-055

**Location:** 32 and 38 East Inglewood Street

**Subject:** Requesting a Variance to allow a reduction to the minimum required lot size in the RS-43 zoning district. (PLN2014-00502)

**Decision:** Approved with Conditions

**Summary:** This item was on the consent agenda and was not discussed on an individual basis.

**Motion:** It was moved by Boardmember Swanson seconded by Boardmember Siebers to approve case BA14-055 with the following conditions:

1. *Compliance with the site plan as submitted, except as modified by the conditions listed below.*
2. *Compliance with all Development Standards for Manufactured Home Subdivisions, per Table 11-31-3 of the Zoning Ordinance.*
3. *Compliance with all requirements of the Development Services Division with regard to the issuance of permits.*

**FINDINGS:**

1. This neighborhood is a Manufactured Home (MH) Subdivision named Mesa Mobile Center. The lots, as platted, meet the dimensional requirements for MH subdivisions.
2. The acre-lot residential zoning underlying the MH Subdivision prevents the separation of the parcel into the two originally platted lots, 5 & 6. The variance would allow deviation from the dimensional requirements of the RS-43 district.
3. Adherence to RS-43 standards in this existing MH Subdivision would provide no advantage to the subject parcel or to the surrounding neighborhood.
4. The two lots will have the dimensions and area needed to comply with the development standards for MH Subdivisions.
5. Strict application of the Zoning Ordinance would deprive the property of the ability to develop to the same density that this neighborhood has known since it was developed.
6. The variance would not constitute a grant of special privileges as every property in the neighborhood can already to develop in this manner.

**Vote:** Passed (5-0) (Excused-Boardmembers Freeman and Hitchens)

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**Case No.:** BA14-056

**Location:** 808 South Alma School Road

**Subject:** Requesting: 1) a Special Use Permit to allow automobile/vehicle washing; and 2) Requesting a Substantial Conformance Improvement Permit (SCIP) to allow the expansion of an existing commercial use; both in the LC zoning district. (PLN2014-00528)

**Decision:** Continuance to the December 3, 2014 hearing

**Summary:** This item was on the consent agenda and was not discussed on an individual basis.

**Motion:** It was moved by Boardmember Swanson seconded by Boardmember Siebers to continue case BA14-056 to the December 3, 2014 hearing

**Vote:** Passed (5-0) (Excused-Boardmembers Freeman and Hitchens)

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**Case No.:** BA14-057

**Location:** 2021 North Pomelo

**Subject:** Requesting a Variance to allow an encroachment into the required side yard in the RS-35 PAD zoning district. (PLN2014-00529)

**Decision:** Withdrawn

**Summary:** This item was on the consent agenda and was not discussed on an individual basis.

**Motion:** It was moved by Boardmember Swanson seconded by Boardmember Siebers to withdraw case BA14-057

**Vote:** Passed (5-0) (Excused-Boardmembers Freeman and Hitchens)

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**Case No.:** BA14-058

**Location:** The 2800 block of North Power Road (west side)

**Subject:** Requesting a Substantial Conformance Improvement Permit (SCIP) to allow the development of a commercial use in the LC zoning district. (PLN2014-00534)

**Decision:** Approved with Conditions

**Summary:** This item was on the consent agenda and was not discussed on an individual basis.

**Motion:** It was moved by Boardmember Swanson seconded by Boardmember Stradling to approve case BA14-058 with the following conditions:

1. *Compliance with the site plan and landscape plan submitted, except as modified by the conditions listed below.*
2. *Compliance with all requirements of the Design Review DR13-02.*
3. *Provide screen walls along Main Street, 65th Street and alley (north property line) incorporating building materials, color and texture.*
4. *Expand the new asphalt in the alley further west aligned with the proposed side walk.*
5. *Provide continuous poured-in concrete curb in the 45 degree angel parking lot with raised landscape area and at least 5 foot separation between the parking space and the alley.*
6. *Compliance with all requirements of the Development Services Division with regard to the issuance of building permits.*

**FINDINGS:**

1. The case site is a non-conforming parcel that qualifies for a SCIP. The proposed site plan makes a good start, but it believed that addition reasonable revisions could be incorporated into the plan that would further it towards a goal of greatest degree of compliance with the current site development requirements. Therefore, staff is recommending that the proposed site plan be approved with additional improvements as specified by conditions of approval.
2. The case site is a long, narrow corner lot that fronts onto a frontage road parallel to arterial street. The applicant has purchased adjacent two parcel to the east along 65th Street to have better access and more ground for expansion.
3. The proposed site plan is a significant improvement of both building design and site improvement including landscaping along 65th Street and frontage road.
4. The applicant is expanding with almost as the same size as of existing facility with enhanced architectural features, landscape, which will substantially improve this street corner.
5. All these proposed improvements will not be possible without the approval of this substantial conformance improvement permit (SCIP).

**Vote:** Passed (4-0) (Abstain-Chairperson Montague) (Excused-Boardmembers Freeman and Hitchens)

## Board of Adjustment Meeting November 5, 2014

**Case No.:** BA14-059

**Location:** 33 West Broadway Road

**Subject:** 33 West Broadway Road (District 3) – Requesting: 1) a Special Use Permit to allow outdoor sales and leasing of boats; and 2) a Substantial Conformance Improvement Permit (SCIP) to allow the redevelopment of a site in the DB-2 zoning district. (PLN2014-00532)

**Decision:** Approved with Conditions

**Summary:** This item was on the consent agenda and was not discussed on an individual basis.

**Motion:** It was moved by Boardmember Swanson seconded by Boardmember Siebers to approve case BA14-059 with conditions:

1. *Compliance with the project narrative, revised site plan, landscape plan and elevations submitted except as modified by the following conditions.*
2. *Compliance with all the requirements of the case ZA10-004 (PLN2009-00471) including the site and landscape plans submitted for ZA10-004, except as modified by the conditions below*
3. *Compliance with all City development codes and regulations.*
4. *Compliance with all requirements of Development Services in the issuance of building permits.*
5. *Compliance with the site and landscape plans submitted, except as modified by the conditions below.*
6. *The nonconforming pole sign to be removed. Any replacement detached signs shall conform to Sign Ordinance requirements.*
7. *Foundation base landscape material adjacent to the east elevation of Building #1 to be provided within planters to comply with current code requirements.*
8. *The parking lot shall comply with dimensional requirements of current city code, for example 24' wide drive aisle and 18'x9' individual parking space and appropriate vehicular turning radius.*
9. *Compliance with all requirements of the Development Services Division with regard to the issuance of building permits.*

### FINDINGS:

1. The requested Special Use Permit is to allow outdoor sales of boats in the DB-2 zoning district. Special Use Permits can be granted provided the use is found to be compatible with surrounding uses.
2. There are three buildings on the site totaling 24,287 s.f. Building no. 1 is 7,017 s.f. and will be used for retail sales and showroom. Building no. 2 is 6,110 s.f. and will be used for service and repair. Building no. 3 is 10,012 s.f. will be used for indoor storage/showroom. The site is approximately 1.88± acres. The applicant would like to reuse the existing buildings on the site without having to demolish existing buildings or site improvements in order to comply with full development standards.
3. A SCIP was approved in 2007 with case ZA07-044TC. It allowed: 1) a reduction in the required building and landscape setbacks on Broadway Road and Drew Street from 10' and 15' to 0', 2) reduction to the required number of parking spaces from 49 to 18 spaces, and 3) allowed a 8' high wrought iron fence to exceed the maximum height allowed in the required front yard.
4. The site was annexed into the City of Mesa in 1930. Numerous deviations to standard zoning ordinance requirements were granted in 2007 when Tige Boats occupied the site, and a similar SCIP was approved again in 2010 for a motorcycle parts custom painting facility. The new property owner and occupant of the three buildings on the site propose to use the site for boat sales with accessory service and warehousing of boats. The change in use requires a Special Use Permit.

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5. The parking requirement for outdoor sales and service areas are 1 space per 375 square feet of sales and service building, but not less than 4 spaces per use. Building 1 & 2 together for 13,127 square feet will be occupied by sales and service, therefore  $(13,127/375)$  a total of 35 parking space is required.
6. There is a nonconforming pole sign that will need to be removed. It can be replaced with a conforming monument sign. The final placement, quantity, and design of all signage on the site shall be reviewed separately when the applicant submits a request for a sign permit.
7. All dead or missing landscape material adjacent to Broadway Road to be installed or replaced as shown on landscape plan.
8. The proposed reuse of the existing site is consistent with the General Plan designation of Town Center and is an allowed use in the DB-2 zoning district with the approval of a Special Use Permit. The proposed project presents reasonable improvements to a non-conforming site while meeting the intent of the Site Development Standards. Consequently, the proposed site plan, including staff recommended conditions of approval, and the previous SCIP approval represents compliance with the intent of the development standards of the Zoning Ordinance and the proposed use would be compatible with and not detrimental to surrounding properties.

**Vote:**                      Passed (5-0) (Excused-Boardmembers Freeman and Hitchens)

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OTHER BUSINESS:

None

ITEMS FROM CITIZENS PRESENT

None

Respectfully submitted,

Gordon Sheffield, AICP CNU-a  
Zoning Administrator